

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MATT TAN VILLANUEVA and INDIRA VILLANUEVA,

Plaintiff,

-against-

HAROLD MASSENGILL and JB HUNT TRANSPORT INC,

Defendants.  
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Docket No.: 1:20-CV-0

**NOTICE OF REMOVAL**

Supreme Court, Queens  
County Index No.: 719078/2020

The defendants, **HAROLD MASSENGILL and J.B. HUNT TRANSPORT, INC. s/h/a JB HUNT TRANSPORT INC**, remove this action from the Supreme Court, Queens County to the United States District Court for the Eastern District of New York.

1. The plaintiff commenced this action against, **HAROLD MASSENGILL and J.B. HUNT TRANSPORT, INC. s/h/a JB HUNT TRANSPORT INC** in the Supreme Court of the State of New York, Queens County. A copy of the complaint is attached as **Exhibit "A"**.

2. The plaintiff, Matt Tan Villanueva, is a citizen of the State of New York and was a citizen of the State of New York when this action was started in state court.

3. The plaintiff, Indira Villanueva, is a citizen of the State of New York and was a citizen of the State of New York when this action was started in state court.

4. The defendants are citizens of a state other than the State of New York and were citizens of a state other than the State of New York when this action was started in state court.

a.) Harold Massengill, upon information and belief, resides and has been residing in the County of Baltimore when this action was started in state court. Harold Massengill is a citizen of the State of Baltimore, Maryland, County of Baltimore.

b.) J.B. Hunt Transport, Inc. is (and was) a corporation incorporated in the State of Georgia with its principal place in business in Lowell, Arkansas.

5. J.B. Hunt Transport, Inc. was served on or about October 19, 2020; we were aware of plaintiffs' claimed injuries (listed below) and their claimed monetary damages of \$350,000 for Matt Villanueva and \$100,000 for Indira Villanueva on November 4, 2020. Therefore, this removal is timely.

6. This court has subject-matter jurisdiction over this action under section 1332(a)(1) of the Judicial Code, 28 U.S.C. § 1332(a)(1), because this action—both now and when it was started—is between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

Plaintiff Matt Villanueva is making a demand of \$350,000 and Plaintiff Indira Villanueva is \$100,000.

A. Plaintiff Matt claims injury to:

i. Herniated discs at C3-4, C5-6 with cord compression and central stenosis. (MRI 2/16/19);  
L Bulge at L1-2, L5-S1 spondylosis. (MRI 3/10/19);  
Left shoulder: mild rotator cuff tendinosis, posterior labral tear. (MRI 3/17/19);  
On 3/16/19, left knee arthroscopic surgery with partial medial and lateral menisectomy. Plastic surgery, partial closure of microfracture of trochlea; and  
Multiple trigger point injections to cervical, lumbar, left shoulder and left knee.

Plaintiff Indira claims:

C3-4 herniated disc impinging the thecal sac. C4-5, C5-6, C6-7 bulges (MRI 2/16/19);  
Right shoulder SLAP tear, rotator cuff tendinitis (MRI 3/10/19);  
L4-5 bulge (MRI 2/16/19);  
Radiculopathy at C5-6 C6-7 radiculopathy-(EMG 3/9/19); and  
Multiple trigger point injections to cervical and lumbar spine and right shoulder.

7. The defendants may, under section 1441(a) of the Judicial Code, 28 U.S.C. § 1441(a), remove this action to this court because this is a civil action of which the District Courts of the United States have original jurisdiction that is brought in a state court.

8. All defendants join in the removal of this action to this Court.

Dated: New York, New York  
November 20, 2020

**RAWLE & HENDERSON LLP**  
Attorneys for Defendants  
**HAROLD MASSENGILL and**  
**J.B. HUNT TRANSPORT, INC.**  
**s/h/a JB HUNT TRANSPORT INC**



By: \_\_\_\_\_

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